

**BEFORE DELHI COOPERATIVE TRIBUNAL
GOVT. OF NCT OF DELHI
VIKAS BHAWAN, GROUND FLOOR, DELHI**

DAILY ORDERS

Order of 23.09.2025

23.09.2025

Present: Sh. Vinod Kumar, President of the Appellant Society
with Sh. Sandeep Kumar, Adv.

Fresh appeal filed on 18.09.2025. Be checked and registered.

It is argued inter-alia that the claim petition was defective in as much as the elected members were not impleaded as respondents. Objection to this effect has been ignored by the Additional RCS. Reliance has been placed upon law laid down by the Hon'ble Supreme Court of India in *Avtar Singh Hit Vs. Delhi Sikh Gurdwara Managing Committee & Ors.*, (2006)8SCC487, to argue that non-impleadment of elected office bearers is fatal.

Issue notice in the appeal to R2 to R14 on filing of PF/SP or Courier.

Meanwhile, operation of the impugned order dated 29.08.2025 passed by the Additional Registrar in arbitration case no. 7060/AR/ARB/2024-25 shall remain stayed till further orders.

Notice returnable on 17.11.2025.

PF be filed within one week from today.

Copy of this order be given dasti to the appellant.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 076/2025/DCT

23.09.2025

Present: Sh. Sandeep Kumar, Adv. for the Appellant Society.

Ms. Vasu Singh, Adv. for R1 appears through VC and Sh. Gaurav Kumar, Sr. Assistant in person.

Quorum is not complete.

Reply has been filed on behalf of R1. Copy supplied to Sh. Sandeep Kumar.

TCR is not required.

Adjourned for arguments to 01.12.2025.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

**BEFORE DELHI COOPERATIVE TRIBUNAL
GOVT. OF NCT OF DELHI
VIKAS BHAWAN, GROUND FLOOR, DELHI.**

Appeal No. 078/2025/DCT

In the matter of :

Smt. Vinita Sharma	...Appellant
Vs.	
Delhi Nagrik Sehkari Bank Ltd. & Ors.	...Respondents

&

Appeal No. 079/2025/DCT

In the matter of :

Sh. Ajay Kumar Sharma	...Appellant
Vs.	
Delhi Nagrik Sehkari Bank Ltd. & Ors.	...Respondents

23.09.2025

Present: Sh. R.P. Sahu, Adv. for the Appellants appears through VC.

Sh. Ravindra Krishan, Official of the Respondent Bank with Sh. Himanshu Shariya, Proxy Counsel appears through VC.

Quorum is not complete.

With the intervention of this Tribunal, the parties have entered into a settlement. Though, the claim of the bank after affording due concessions was Rs. 9,82,000/-; however, giving benefit of an OTS Scheme, matters have been settled on a payment of Rs. 6,90,000/-. Sh. Sahu submits that the appellants shall pay the amount within one week from today. Sh. Shariya, Proxy Counsel, on behalf of the respondent bank prays that necessary directions be issued to Asst. Collector Grade-I, office of RCS to waive off the surcharge of 5 % in execution & recovery case no. 2855/2023-24/5413 titled as Delhi Nagrik Sehkari Bank Ltd. V/s. Smt. Vinita Sharma & Ors.

Heard.

The prayer for wavier of 5% Surcharge is allowed. A division Bench of the Hon'ble High Court of Delhi in *W.P.(C) 2836/2018 titled as Kaushalaya Devi & Ors. Vs. Delhi Nagrik Sehkari Bank Ltd., decided on 02.12.2021*, has held that where the judgement debtor makes payment directly to the decree holder, no surcharge is to be paid to the office of RCS. Therefore, the amount, which has been paid out of Court, directly by the appellant to the respondent bank is not liable to any surcharge.

It is submitted on behalf of the respondent bank that on payment of the aforesaid amount of Rs. 6,90,000/- within one week from today, N.O.C shall be issued within two weeks thereafter. However, in case the Recovery Officer does not close the case, it shall be the responsibility of the appellant to get the same closed from the Recovery Officer.

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Ordered accordingly.

Sh. Sahu prays for the appeals to be disposed off as not pressed with liberty to seek revival in case N.O.C is not issued.

Allowed as prayed for.

The present appeals are accordingly disposed off as not pressed.

File be consigned to record room.

2nd set be weeded out forthwith.

A copy of this order be sent to RCS and TCR, if any, be sent back to the concerned branch of RCS.

A copy of this order be given dasti to the parties.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 083/2025/DCT

23.09.2025

Present: Sh. Akshay Bhardwaj, Adv. for the Appellant.

Quorum is not complete.

Sh. Bhardwaj seeks yet another opportunity to serve R1.

Let fresh notice be issued to R1 on filing of PF/SP, dasti and by all modes, i.e. WhatsApp, e-mail, returnable on 20.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 088/2025/DCT

23.09.2025

Present: Sh. Sanser Pal Singh, Adv. for the Appellant.

Quorum is not complete.

Sh. Singh seeks more time to file the amended memo of parties.

Heard.

Let the needful be done within one week from today along with PF. On doing the needful, notice be thereafter issue to the respondents on filing of PF/SP or Courier returnable on 19.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 152/2012/DCT

23.09.2025

Present: Sh. S.K. Sharma, Adv. for the Appellant Society appears through VC.

Sh. Pranay Mishra, Adv. for R6 Sh. Sanjay Tiwari.

Quorum is not complete.

Adjourned for arguments to 10.12.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

**BEFORE DELHI COOPERATIVE TRIBUNAL
GOVT. OF NCT OF DELHI
VIKAS BHAWAN, GROUND FLOOR, DELHI.**

Appeal No. 079/2025/DCT

In the matter of :

Sh. Ajay Kumar Sharma	...Appellant
Vs.	
Delhi Nagrik Sehkari Bank Ltd. & Ors.	...Respondents

23.09.2025

Present: Sh. R.P. Sahu, Adv. for the Appellant appears through VC.

Sh. Ravindra Krishan, Official of the Respondent Bank with Sh. Himanshu Shariya, Proxy Counsel appears through VC.

Quorum is not complete.

With the intervention of this Tribunal, the parties have entered into a settlement, though, the claim of the bank after affording due concessions was Rs. 9,82,000/-. However, considering the case of the appellant in an OTS Scheme, finally the matter has been settled on a payment of Rs. 6,90,000/-. Sh. Sahu submits that the appellant shall [ay the amount within one week from today. Sh. Shariya, Proxy Counsel, on behalf of the respondent bank prays that necessary directions be issued to Asst. Collector Grade-I, office of RCS to waive off the surcharge of 5 % in execution & recovery case no. 2854/2023-24/5413 titled as Delhi Nagrik Sehkari Bank Ltd. V/s. Sh. Ajay Kumar Sharma & Ors.

Heard.

The prayer for wavier of 5% Surcharge is allowed. A division Bench of the Hon'ble High Court of Delhi in *W.P.(C) 2836/2018 titled as Kaushalaya Devi &Ors. Vs. Delhi Nagrik Sehkari Bank Ltd., decided on 02.12.2021*, has held that where the judgement debtor makes payment directly to the decree holder, no surcharge is to be paid to the office of RCS. Therefore, the amount, which has been paid out of Court, directly by the appellant to the respondent bank is not liable to any surcharge.

It is submitted on behalf of the respondent bank that on payment of the aforesaid amount of Rs. 6,90,000/- within one week from today, N.O.C shall be issued within two weeks thereafter. However, in case the Recovery Officer does not close the case, it shall be the responsibility of the appellant to get the same closed from the Recovery Officer.

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Ordered accordingly.

Sh. Sahu prays for the appeal to be disposed off as not pressed with liberty to seek revival in case N.O.C is not issued.

Allowed as prayed for.

The present appeal is accordingly disposed off as not pressed.

File be consigned to record room.

2nd set be weeded out forthwith.

A copy of this order be sent to RCS and TCR, if any, be sent back to the concerned branch of RCS.

A copy of this order be given dasti to the parties.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 068/2022/DCT

23.09.2025

Present: Sh. Rajiv Jain, Adv. for the Appellant appears through
VC.

Sh. Amrish Kumar Dwivedi, Clerk of the Respondent Bank.

Quorum is not complete.

Adjourned for arguments to 15.12.2025.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

23.09.2025

Present: Sh. Ravishankar Pandey, President of the Appellant Society with Sh. Aryamar Tomer, Proxy Counsel in person and Sh. Vinay Kumar Dubey, Adv. appears through VC.

Sh. Sanjay Chiripal, Adv. for R1

Sh. Som Dutt Sharma, Secretary of R2 Society.

Quorum is not complete.

Though Sh. Chiripal has given his consent on behalf of R1 as regards hearing of the appeal by the Chairman sitting single, and a similar consent has also given by the appellant society as well. However, in view of the order appointing Member, the undersigned is of the view that it shall be appropriate to await joining by the Member and thereby completion of the quorum.

Adjourned for arguments to 11.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 145/2022/DCT

23.09.2025

Present: Sh. Pankaj Gupta, Adv. for the Appellant Society
appears through VC.

Sh. Rajiv Vig, Adv. for the Respondent.

Quorum is not complete.

Adjourned for arguments to 20.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal Nos. 018/2022 & 069/2022/DCT

23.09.2025

Present: Sh. Rajiv Jain, Adv. for the Appellant appears through VC.

Sh. Amrish Kumar Dwivedi, Clerk of the Respondent Bank.

Quorum is not complete.

Adjourned for arguments to 15.12.2025.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 123/2018/DCT

23.09.2025

Present: Sh. Dharmesh Kumar, Computer Operator of the
Appellant Society with Sh. Akshay Bhardwaj, Adv.

None for the Respondents.

Quorum is not complete.

Adjourned for arguments to 05.12.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 026/2019/DCT

23.09.2025

Present: Sh. Dharmesh Kumar, Computer Operator of the
Appellant Society with Sh. Akshay Bhardwaj, Adv.

None for the Respondents.

Quorum is not complete.

Adjourned for arguments to 05.12.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Misc. No. 010/2023/DCT

23.09.2025

Present: Sh. Akshay Bhardwaj, Adv. for the Applicant/Appellant Society.

None for the Respondents.

Quorum is not complete.

Sh. Bhardwaj has moved an application u/s 151 seeking deletion of Smt. Savita Jaiswal and her heirs from the array of respondent.

Allowed as prayed for.

Let amended memo of parties be filed within three days from today along with PF. Notice thereafter issue to the respondents on filing of PF/SP or Courier returnable on 07.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

**BEFORE DELHI COOPERATIVE TRIBUNAL
GOVT. OF NCT OF DELHI
VIKAS BHAWAN, GROUND FLOOR, DELHI.**

Appeal No. 047/2019/DCT

In the matter of :

Smt. Komesh Rana

...Appellant

Vs.

Talaganj CGHS Ltd. & Ors.

...Respondents

23.09.2025

Present: Appellant in person.

Sh. Rajesh Garg, President of the Respondent Society with Sh. Sandeep Kumar, Adv.

Quorum is not complete.

With the intervention of this Tribunal, the matter has been amicably settled between the parties against a total demand of Rs. 11,40,658/-. Appellant has already deposited Rs. 6,71,571/-. Appellant has further promised to pay the balance amount in case waiver of interest is allowed. Sh. Sandeep Kumar on instructions from the President submits that the society does not have the power to waive off the interest, however, on the intervention of the Tribunal, the society may consider the same.

Heard.

In view of the Bonafede of the appellant matched with good gesture of the respondent society, Tribunal is of the view that society should waive off the penalty charges and may charge 9% interest on the delayed payment thereby, waiving off Rs. 3,66,859/-.

Appellant submits that she has already handed over a cheque for the balance amount of Rs. 1,02,228/-. She undertakes that the same shall be honoured and credited by the end of this calendar year.

In view of the aforesaid settlement having been arrived at between the parties, the appeal does not survive.

The present appeal is accordingly disposed off as settled.

File be consigned to record room.

2nd set be weeded out forthwith.

A copy of this order be sent to RCS and TCR, if any, be sent back to the concerned branch of RCS.

Copy of this order be given dasti to the parties.

**(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)**

Appeal No. 048/2023/DCT

23.09.2025

Present: Sh. Rishipal Singh, Adv. for the Appellant.

Sh. Vipin Dilawari, Adv. for R1 Society appears through VC.

Quorum is not complete.

more time is sought on behalf of the appellant to trace the receipts or proofs of the amount deposited by the appellant with the society.

Heard.

Adjourned for further proceedings to 21.11.2025.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 049/2023/DCT

23.09.2025

Present: Sh. Rishipal Singh, Adv. for the Appellant.

Sh. Vipin Dilawari, Adv. for R1 Society appears through VC.

Quorum is not complete.

more time is sought on behalf of the appellant to trace the receipts or proofs of the amount deposited by the appellant with the society.

Heard.

Adjourned for further proceedings to 21.11.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 148/2012/DCT

23.09.2025

Present: Sh. S.K. Sharma, Adv. for the Appellant Society appears through VC.

Sh. Pranay Mishra, Adv. for R7 Sh. Sanjay Tiwari.

Quorum is not complete.

Adjourned for arguments to 10.12.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 041/2015/DCT

23.09.2025

Present: Sh. Sandeep Kumar, AR for the Appellant Bank with Sh. Akshay Bhardwaj, Adv.

R1 in person with Sh. Sujeet Yadav, Proxy Counsel.

Quorum is not complete.

Adjourned for arguments to 16.12.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 019/2022/DCT

23.09.2025

Present: Sh. Himanshu Shariya, Proxy Counsel for the Appellant
appears through VC.

Sh. Amrish Kumar Dwivedi, Clerk of the Respondent Bank.

Quorum is not complete.

Adjourned for arguments to 15.12.2025.

Interim order to continue.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 019/2019/DCT

23.09.2025

Present: Sh. Vijay Kamra, Secretary of the Appellant Society
with Sh. Rajiv Vig, Adv.

None for R1.

Quorum is not complete.

Adjourned for arguments to 11.12.2025.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)

Appeal No. 160/2022/DCT

23.09.2025

Present: Sh. Tarun Kumar Aggarwal, Adv. for the Appellant Society appears through VC.

R1 in person.

Vide separate judgment announced in open court, the present appeal bearing no. 160/2022 is allowed. Order/ award dated 24.06.2022 passed by Sh. Shailesh Gupta, Ld. Arbitrator in Arb. Case No.-3756/DR/ARB/GH/2008-09 is set-aside.

File be consigned to record room.

A copy of this order along with judgement be sent to RCS, and TCR, if any, be sent back to concerned branch of RCS.

2nd set be weeded out forthwith.

(NAROTTAM KAUSHAL)
CHAIRMAN (DCT)